

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IRVIN LINDSEY,)
)
)
Plaintiff,) Case No. 1:12-cv-36-SJM-SPB
)
)
v.)
)
ERIE COUNTY COURT OF COMMON)
PLEAS, et al.,)
)
Defendants.)

MEMORANDUM ORDER

Plaintiff's complaint in this civil rights action was received by the Clerk of Court on January 30, 2012 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on September 10, 2012 [36], recommends that this Court grant all of the motions to dismiss the complaint filed, respectively, on behalf of Defendants Erie County Court of Common Pleas [18], Erie County Executive/Council [24], the Pennsylvania Department of Corrections and the Erie County Regional Contract Jail Albion [29], and Inmate General Welfare Fund [35]. The R&R further recommends that, to the extent Plaintiff seeks to amend his complaint by adding claims against new individual defendants, such amendment be denied as futile.

The R&R was served via certified mail upon the parties, who were given fourteen (14) days within which to file any objections. Plaintiff filed his objections to the Report and Recommendation [37] on September 27, 2012. In essence, Plaintiff argues that no "written judgment of sentence order" exists to justify his detention.

Plaintiff's objection lacks merit in light of the official court records produced in connection with Plaintiff's prior federal habeas claim and the Court's disposition of that claim. See *Lindsey v. District Attorney's Office of Erie County*, 1:12-cv-64-MBC-SPB (Docket Nos. 25, 29, 32). Accordingly, after de novo review of the complaint and documents in the case, together with the Report and Recommendation and Plaintiff's objections thereto, the following order is entered:

AND NOW, this 4th Day of January, 2013;

IT IS ORDERED that the motions to dismiss filed on behalf of Defendants Erie County Court of Common Pleas [18], Erie County Executive/Council [24], the Pennsylvania Department of Corrections and the Erie County Regional Contract Jail Albion [29], and Inmate General Welfare Fund [35] shall be, and hereby are, GRANTED and the within case shall be marked "CLOSED."

IT IS FURTHER ORDERED that, to the extent Plaintiff seeks to amend his complaint by adding claims against new individual defendants, leave for further amendment is DENIED inasmuch as any such amendment would be futile.

The Report and Recommendation of Magistrate Judge Baxter, filed on September 10, 2012 [36], is adopted as the opinion of this Court.

s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter